

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re

CITY OF DETROIT, MICHIGAN,

Debtor.

Chapter 9

Case No. 13-53846

Hon. Steven W. Rhodes

**AMENDED AND RESTATED STIPULATION BY AND BETWEEN RONALD COOK
AND THE CITY
OF DETROIT REGARDING
PETITION FOR ORDER LIFTING STAY FILED BY RONALD COOK**

This amended and restated stipulation regarding the Petition for Order Lifting Stay Filed by Ronald Cook (“Motion”) is entered into on this 20th day of September, 2013, by and between Ronald Cook (“Plaintiff”) and the City of Detroit, Michigan (the “City”).

1. On July 18, 2013 ("Petition Date"), the City commenced this case under chapter 9 of title 11 of the United States Code ("Bankruptcy Code").
2. Prior to the Petition Date, Plaintiff and the City were parties to litigation in Wayne County Circuit Court, Cases Nos. 11-010396 and 12-004823, involving a grievance filed by the Plaintiff arising out of a 2007 promotion process at the City of Detroit Water and Sewerage Department (“Litigation”). The Circuit Court entered an Order in Case No. 11-010396 on January 25, 2012, and dismissed Case No. 12-004823 on May 8, 2012. An appeal of both Circuit Court cases was taken by the Plaintiff to the Michigan Court of Appeals and the Court of Appeals consolidated the cases in an Order entered June 27, 2012.

3. On the Petition Date, the Litigation was pending before the Michigan Court of Appeals. The Appeal (defined below) was fully briefed by all parties and oral argument had been conducted. Nothing remained to be completed with respect to the Appeal other than the issuance of a decision by the Court.

4. Following the Petition Date, on August 26, 2013, the Plaintiff filed the Motion in this chapter 9 case. (Docket No. 630).

5. By the Motion, the Plaintiff seeks relief from the automatic stay of section 362 of the Bankruptcy Code ("Automatic Stay"), as made applicable in this chapter 9 case by sections 901 and 922 of the Bankruptcy Code, to, inter alia, allow the Michigan Court of Appeals to issue its ruling on Court of Appeals cases nos. 308561 and 310509. ("Appeal").

6. Plaintiff and the City have reached an agreement to modify the Automatic Stay to permit the Court of Appeals to issue its ruling but preclude any further action by the Plaintiff in the Litigation absent further order by the Court. Consequently, the Plaintiff and the City stipulate to the Court's execution and entry of the attached modified proposed Order Approving Stipulation by and between Ronald Cook and the City of Detroit Regarding Petition for Order Lifting Stay Filed by Ronald Cook.

7. Plaintiff and City previously filed a Stipulation by and Between Ronald Cook and the City of Detroit Regarding Petition for Order Lifting Stay filed by Ronald Cook on September 19, 2013 (Docket No. 951).

8. Plaintiff and the City have agreed to the attached modified proposed Order and request that the Court enter the same.

Dated: September 20, 2013

STIPULATED:

/s/ Rodger L. Webb

Rodger L. Webb (P33356)
17000 West Ten Mile Road
Goodman Acker Bldg., 2nd Floor
Southfield, MI 48075
Tel: (248) 395-9750
Fax: (248) 395-9760
rodger@weflaw.com.

ATTORNEY FOR PLAINTIFF

/s/ Stephen S. LaPlante

Jonathan S. Green (MI P33140)
Stephen S. LaPlante (MI P48063)
Eric D. Carlson (MI P60277)
MILLER, CANFIELD, PADDOCK AND
STONE, P.L.C.
150 West Jefferson
Suite 2500
Detroit, Michigan 48226
Telephone: (313) 963-6420
Facsimile: (313) 496-7500
green@millercanfield.com
laplante@millercanfield.com
carlson@millercanfield.com

David G. Heiman (OH 0038271)
Heather Lennox (OH 0059649)
JONES DAY
North Point
901 Lakeside Avenue
Cleveland, Ohio 44114
Telephone: (216) 586-3939
Facsimile: (216) 579-0212
dgheiman@jonesday.com
hlennox@jonesday.com

Bruce Bennett (CA 105430)
JONES DAY
555 South Flower Street
Fiftieth Floor
Los Angeles, California 90071
Telephone: (213) 243-2382
Facsimile: (213) 243-2539
bbennett@jonesday.com

ATTORNEYS FOR THE CITY

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re

CITY OF DETROIT, MICHIGAN,

Debtor.

Chapter 9

Case No. 13-53846

Hon. Steven W. Rhodes

**STIPULATED ORDER MODIFYING THE AUTOMATIC STAY AND ADJOURNING
THE DEADLINE FOR THE CITY OF DETROIT TO OBJECT
OR OTHERWISE RESPOND TO THE
PETITION FOR ORDER LIFTING STAY FILED BY RONALD COOK**

This matter came before the Court by stipulation (“Stipulation”) between Ronald Cook (“Plaintiff”) and the City of Detroit (“City”), with respect to Plaintiff’s Petition for Order Lifting Stay (“Motion”) described in the Stipulation; the parties have reached an agreement to address the issues raised in the Motion as provided for herein; and the Court being fully advised in the premises;

IT IS HEREBY ORDERED that the automatic stay is hereby modified for the limited purpose of permitting the Michigan Court of Appeals to issue its ruling in Court of Appeals case nos. 308561 and 310509 (“COA Decision”);

IT IS FURTHER ORDERED that the City shall have 14 days following Plaintiff’s counsel’s delivery of a copy of the entered COA Decision to counsel for the City via email (Carlson@millercanfield.com) or fax (313-496-8452 Attn: Eric Carlson), to Object or otherwise respond to other relief sought in the Motion (“Objection”);

IT IS FURTHER ORDERED that the Plaintiff shall have an opportunity to reply to any Objection filed by City in accordance with Local Bankruptcy Rule 9014(e);

IT IS FURTHER ORDERED that, notwithstanding the aforementioned modification to the automatic stay for the limited purpose of allowing the issuance of the COA Decision, the automatic stay shall stay in full force and effect with respect to Plaintiff and all other issues addressed and relief requested in the Motion, including, without limitation, enforcement or implementation of the COA Decision, until such time as the Court enters further orders on the Motion.